

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
BEN POURBABAI,)	Case No. 18-13560-BFK
)	Chapter 11
Debtor.)	

ORDER VACATING ORDER GRANTING RELIEF FROM STAY

Before the Court is the Debtor's Motion for a Stay Pending Appeal. Docket No. 102.

The Debtor's Motion sought to stay the Court's Order granting relief from the automatic stay as to Christine Pourbabai, the Debtor's former spouse, and Kyle Skopic, the Commissioner of Sale appointed by the Circuit Court of Fairfax County, while the Debtor appealed the Court's Order to the District Court. Docket No. 42.

On February 11, 2019, Ms. Pourbabai, by counsel, filed an Opposition to the Debtor's Motion for a Stay Pending Appeal. Docket No. 120. In her Opposition, Ms. Pourbabai stated that as of February 11, 2019, the Circuit Court of Fairfax County had terminated Ms. Skopic as Commissioner of Sale and directed the Debtor and Ms. Pourbabai to resolve the issue of selling their marital properties between themselves. *Id.*, ¶ 13.

This Court held a hearing on the Debtor's Motion for a Stay Pending Appeal on February 12, 2019. Fenlene H. Edrington, Esquire, counsel for the Debtor, and Jeffery T. Martin, Jr, Esquire, counsel for Ms. Pourbabai, were present in person.

During the hearing, the Debtor, through counsel, withdrew his Motion for a Stay Pending Appeal citing the Circuit Court's decision to remove Ms. Skopic as Commissioner of Sale. The Court also questioned the parties on whether it should *sua sponte* vacate its Order granting relief

from the automatic stay for the same reason. Docket No. 42. Accordingly, for the reasons stated on the record, it is

ORDERED:

1. The Court's Order Granting Ms. Pourbabai's and Ms. Skopic's Motion for Relief from the Automatic Stay (Docket No. 42) is vacated.

2. This Order is stayed for 14 days from the date of its entry in order for Ms. Pourbabai to file a Motion to reconsider the removal of Ms. Skopic as Commissioner of Sale in the Fairfax County Circuit Court.

3. The Clerk will mail a copy of this Order, or provide electronic notice of its entry, to the parties below.

Date: Feb 22 2019

Alexandria, Virginia

/s/ Brian F. Kenney

Brian F. Kenney
United States Bankruptcy Judge

Entered on Docket: February 22, 2019

Copies to

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